THE HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P. No.32995 of 1997

ORDER:

This writ petition has been filed seeking writ of *Mandamus* declaring the action of the respondents in not reconveying the Ac.0.19 guntas of land in Survey No.1485 situated at Karimnagar village and Town to the petitioner as illegal and unconstitutional and to set aside the impugned G.O.Ms. No.614 Revenue (LA) Department dated 19-07-1997 and consequently direct the respondents to order for reconveyance of A.0.19 guntas of land in the said survey number to the petitioner.

It is the case of the petitioner that an extent of Ac.0.19 guntas of land in Survey No.1485 was owned by him. In the year 1955, the Government of Andhra Pradesh initiated acquisition proceedings under the Land Acquisition Act 1894 seeking to acquire an extent of Acs.6.34 guntas in Survey Nos.1481, 1482 and 1485. The Revenue Divisional Officer (LAO) Karimnagar passed an award on 12-07-1955 awarding total compensation of Rs.6,695/- and the petitioner received the total compensation of Rs.464/- for Ac.0.19 guntas of land belonging to him.

After acquisition, the Government authorities took possession and handed over the same to the Education Department for the purpose of establishing an Agro Vocational School. He further submits that though the land was acquired on 25-05-1955,

the Government did not take any steps, whatsoever, to establish the said school and moreover a weekly bazaar came to be held regularly on the open land in survey numbers mentioned above. Further, the petitioner was advised that when the Government authorities acquired the land, if they did not utilize the same for the purpose for which it is acquired or even after utilizing the land for public purpose, the surplus land if any, should be reconveyed to the original owners as per the

Board's standing orders.

Further, pursuant to the representation made by one Sri Kummari Parasuram, the land to an extent of Ac.0.10 guntas was relinquished to him for his personal use. Accordingly,

the petitioner also made a representation to the respondents to relinquish an extent of Ac.0.30 guntas of land in Survey No.1485 in his favour but in vain. Thereafter, he filed a writ petition before this Court seeking direction to the respondents to relinquish the land in his favour. The said writ petition was disposed of by this Court by order dated 19-03-1996 directing the Government to consider the case of the petitioner for reconveyance of Ac.0.19 guntas of land with reference to G.O. Ms. No.626 dated

31-05-1985. In spite of the said orders, the respondents did not take any action for reconveying the land in favour of the petitioner. Therefore, the petitioner filed contempt case, wherein the respondents therein filed a detailed counter bringing to the notice of the Court that the Government issued G.O. Ms. No.614

dated 19-07-1997 rejecting the representation of the petitioner for reconveyance of the land. Taking note of the said Government Order, this Court disposed of the said contempt case giving liberty to the petitioner to challenge the G.O. Ms. No.614 dated

19-07-1997. In that view of the matter, the present writ petition is filed.

While, denying the averments mentioned in the affidavit,

filed in support of the petition, a detailed counter has been filed by the respondents. Wherein, *inter alia,* it is admitted that an extent of Acs.6.34 guntas of land in Survey Nos.1481, 1482 and 1485 was acquired during 1955 for establishment of Agro Vocational School. It is not in dispute that the petitioner made a representation for reconveyance of land to an extent of Ac.0.19 guntas in Survey No.1485. Considering the said representation, Government issued

G.O. Ms. No.614, Revenue (LA) Department dated 19-07-1997 rejecting the request made by the petitioner stating that there is no land available in the Survey number mentioned by the petitioner in his representation. Further it is also stated that the land was acquired about 43 years back and questioning the said acquisition at this length of time does not have any bearing and the same is not permissible.

Heard the learned counsel.

As could be seen from the material on record, it is obvious that the land in question was acquired as early as in the year 1955 and ever since, the Government is in possession of the said land.
It is an admitted fact that if the land acquired and subsequently found to be not required for any other public purpose, then only the land has to be offered to the original owner. But in the case on hand, the land was acquired during 1955 and possession remained with the Government about 44 years and then the same was utilized for another *bona fide* public purpose i.e. construction of Kalyana Mandapam for the benefit of common people. Further, according to the respondents there is no land available in Survey No.1485 for reconveyance of the land to the petitioner.

In the light of the above facts and circumstances, the prayer of the petitioner cannot be accepted. However, if the petitioner is able to establish that it is a land belonging to him and is not paid any compensation, then the respondents are hereby directed to pay the compensation, in accordance with law.

Accordingly, the Writ Petition is dismissed. No order as to costs.

JUSTICT GOPALAKRISHNA TAMADA

Date: 12-02-2007
LSK